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ROBERT VACCARI, and JAKE ADAMS

8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 L.C., a minor by and through her
12 guardian *ad litem* Maria Cadena,
individually and as successor-in-interest
13 to Hector Puga; I.H., a minor by and
through his guardian *ad litem* Jasmine
14 Hernandez, individually and as
successor-in-interest to Hector Puga;
15 A.L., a minor by and through her
guardian *ad litem* Lydia Lopez,
16 individually and as successor-in-interest
to Hector Puga; and ANTONIA
17 SALAS UBALDO, individually,

18 Plaintiffs,

19 vs.

20 STATE OF CALIFORNIA; COUNTY
OF SAN BERNARDINO; S.S.C., a
21 nominal defendant; ISIAH KEE;
22 MICHAEL BLACKWOOD;
BERNARDO RUBALCAVA;
23 ROBERT VACCARI; JAKE ADAMS;
24 and DOES 6-10, inclusive,

25 Defendants.

CASE NO. 5:22-cv-00949-KK-(SHKx)

*Assigned for All Purposes to:
Hon. Kenly K. Kato – Courtroom 1*

**THIRD STIPULATION TO
MODIFY SCHEDULING ORDER
AS TO EXPERT DISCOVERY BY
TWO-WEEKS DUE TO
LOS ANGELES FIRES**

*Trial Date: June 2, 2025
Complaint filed: 06/07/2022
FAC filed: 10/18/22
SAC filed: 01/13/23
TAC filed: 05/12/23*

Event	Prior Date	Proposed Date
Designation of Expert Witnesses	January 16, 2025	January 30, 2025
Designation of Rebuttal Expert Witnesses	January 30, 2025	February 13, 2025
Expert Discovery Cut-Off	February 20, 2025	March 6, 2025

1 Under Federal Rule of Civil Procedure 16(b)(4) and Local Rules 7-1 and 16-
2 14, Plaintiffs L.C., a minor by and through her guardian *ad litem* Maria Cadena;
3 I.H., a minor by and through his guardian *ad litem* Jasmine Hernandez; A.L., a
4 minor by and through her guardian *ad litem* Lydia Lopez; and Antonia Salas Ubaldo
5 (“Plaintiffs”) and Defendants State of California, by and through the California
6 Highway Patrol, Michael Blackwood, Isaiah Kee, Bernardo Rubalcava (“State
7 Defendants”), County of San Bernardino, Robert Vaccari, and Jake Adams
8 (“County Defendants”) (collectively “Defendants”), stipulate for the purpose of
9 jointly requesting that the honorable Court modify the Scheduling Order issued in
10 this action. The parties seek to continue only the expert discovery dates, specifically
11 the deadline for initial expert disclosures, rebuttal disclosures, and expert discovery
12 cut off, by two-weeks given the emergency response and fires in Los Angeles
13 County were the parties have experts. This brief extension is limited only to the
14 experts and will not affect any other deadlines.

15 When an act must be done within a specified time, the court may, for good
16 cause, extend the time with or without motion or notice if the court acts, or if a
17 request is made, before the original time expires. Fed. R. Civ. P. 6(b)(1)(A). A
18 scheduling order may be modified only upon a showing of good cause and by leave
19 of Court. *Id.* 16(b)(4); *see, e.g., Johnson v. Mammoth Recreations, Inc.*, 975 F.2d
20 604, 609 (9th Cir. 1992) (describing the factors a court should consider in ruling on
21 such a motion). In considering whether a party moving for a schedule modification
22 has good cause, the Court primarily focuses on the diligence of the party seeking the
23 modification. *Johnson*, 975 F.2d at 609 (citing Fed. R. Civ. P. 16 advisory
24 committee’s notes of 1983 amendment). “The district court may modify the pretrial
25 schedule ‘if it cannot reasonably be met despite the diligence of the party seeking
26 the amendment.’” *Id.* (quoting Fed. R. Civ. P. 16 advisory committee notes of 1983
27 amendment). Good cause exists to modify the Scheduling Order because, despite the
28

1 parties' diligent efforts, they will be unable to complete discovery by the current
2 deadline.

3 1. Plaintiffs filed their Complaint on June 7, 2022. (Dkt. No. 1).

4 2. The parties filed their Joint Rule 16(f) Report on February 13, 2023.
5 (Dkt. No. 49).

6 3. On March 8, 2023, the Court issued a Civil Trial Scheduling Order.
7 (Dkt. No. 57).

8 4. On May 12, 2023, Plaintiffs filed a Third Amended Complaint, the
9 operative complaint, and the respective Defendants filed their Answers in June
10 2023. (Dkt. Nos. 68, 70, and 72).

11 5. On November 20, 2023, by Order of the Chief Judge, the instant matter
12 was transferred from the calendar of Judge Jesus G. Bernal to the calendar of Judge
13 Kenly Kiya Kato. (Dkt. No. 75).

14 6. On December 7, 2023, the parties filed their Joint Case Management
15 Statement. (Dkt. No. 78).

16 7. On December 11, 2023, despite the parties' diligent efforts in
17 exchanging discovery, the parties filed a stipulation to modify the existing
18 scheduling order due to issues relating to the scheduling of party depositions, an
19 unforeseen loss of family for one of the lead counsels, as well as an anticipated
20 Motion to Consolidate cases regarding the related (5:23-cv-00257-KK-SHK,
21 Jonathan Wayne Botten Sr. et al. v. State of California et al. ("Botten") matter. (Dkt.
22 No. 79).

23 8. On December 11, 2023, the Court granted the parties' stipulation and
24 issued an amended Civil Trial Scheduling Order. This was the parties' first request
25 for an extension of time. (Dkt. No. 80).

26 9. On May 24, 2024, the parties filed a second stipulation to modify the
27 existing scheduling order. (Dkt. No. 84).

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1 10. On June 18, 2024, the Court granted the parties' stipulation and issued
2 an amended Civil Trial Scheduling Order. This was the parties' second request for
3 an extension of time. (Dkt. No. 85).

4 11. As we are aware, this week, Los Angeles County experienced and
5 continues to experience devastating fires and power outages which are impacting
6 some of the parties' experts who reside in Los Angeles. And, at least one expert is
7 dealing with the loss of his parents' home which was burned down by the fires this
8 week. Given the emergency, including area-wide power outages, some experts are
9 facing complications with finalizing their initial reports. As such, the parties have
10 agreed to a limited two-week extension as to the experts only.

11 12. This Stipulation is the parties' third request to modify the Scheduling
12 Order. The Court granted the parties first request on December 11, 2023, and
13 second on June 18, 2024.

14 13. Further, given that the instant case and the *Botten* case (5:23-cv-00257-
15 KK-SHK) are consolidated for the purposes of discovery, the parties agree that this
16 extension applies to the expert discovery deadlines in *Botten* as well.

17 14. Accordingly, in light of the foregoing, the parties hereby stipulate that
18 good cause exists, and jointly request that the Court modify the Scheduling Order as
19 follows:

20 Case Management Event	Prior Date/Deadline	Proposed New Date/Deadline
21 Deadline for Initial Designation of 22 Expert Witnesses	January 16, 2025	January 30, 2025
23 Deadline for Designation of 24 Rebuttal Expert Witnesses	January 30, 2025	February 13, 2025
25 Expert Discovery Cut-Off	February 20, 2025	March 6, 2025

26
27 **IT IS SO STIPULATED.**
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1 DATED: January 10, 2025

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2
3 */s/ Amy R. Margolies*

SHANNON L. GUSTAFSON

AMY R. MARGOLIES

ANITA K. CLARKE

Attorneys for Defendant,

COUNTY OF SAN BERNARDINO

ROBERT VACCARI, and JAKE ADAMS

7 DATED: January 10, 2025

LAW OFFICES OF DALE K. GALIPO

8
9
10 */s/ Hang D. Lee*

Dale K. Galipo

Hang D. Le

Attorneys for Plaintiffs

12
13 DATED: January 10, 2025

ROB BONTA

Attorney General of California

CHRISTINE E. GARSKE

Supervising Deputy Attorney General

15 */s/ Diana Esquivel*

DIANA ESQUIVEL

Deputy Attorney General

Attorneys for Defendant State of Cal., by
and through the CHP, Blackwood, Kee, and
Rubalcava

18
19 *The filer, Amy R. Margolies, hereby attests that all other signatories listed,
20 and on whose behalf the filing is submitted, concur with the filing's content and
21 have authorized.

22 DATED: January 10, 2025

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23
24 By: */s/ Amy R. Margolies*

SHANNON L. GUSTAFSON

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